

Amendments to Senate Bill No. 109
1st Reading Copy

Requested by Senator Bob Hawks

For the Senate Local Government Committee

Prepared by Hope Stockwell
January 16, 2009 (12:19pm)

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 1
DATE 1.16.09
BILL NO. SB109

1. Page 1, line 23.

Following: "fixtures"

Insert: "in any city of the first or second class"

2. Page 2, line 2.

Following: "navigational"

Insert: "and obstruction"

Following: "airports"

Insert: "and aircraft"

3. Page 2, line 4.

Strike: subsection (h) in its entirety

Insert: "(h) outdoor lighting used on any railroad property, as
defined in 69-14-1203;

(i) outdoor lighting for industrial or light industrial use; and"

Renumber: subsequent subsections

4. Page 2, line 8.

Following: "fixtures"

Strike: "maintained by that city"

Insert: "for which it is responsible or fixtures that are used
for street lighting within its jurisdiction"

- END -

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act imposing restrictions on outdoor lighting; requiring outdoor light fixtures to be fully or partially shielded; providing definitions; and providing exemptions."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 and 2], the following definitions apply:

(1) "Fully shielded" means that a fixture is shielded in a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

(2) "Outdoor light fixture" means permanent or portable outdoor artificial illuminating devices, lamps, and other devices used for illumination or advertisement. The devices include but are not limited to searchlights, spotlights, or floodlights for buildings, structures, and recreational areas, parking lot lighting, landscape lighting, lighting for billboards and other signs, and street lighting.

(3) "Partially shielded" means that fixtures are shielded in a manner that the bottom edge of the shield is below the plane

of the center line of the lamp, reducing light above the horizontal plane.

NEW SECTION. **Section 2. Lighting restrictions --**

exemptions. (1) Except as provided in subsection (2) and subject to subsection (3), all outdoor light fixtures in any city of the first or second class must be fully shielded or partially shielded.

(2) The provisions of subsection (1) do not apply to:

(a) incandescent fixtures of 150 watts or less and other sources of 70 watts or less;

(b) street light fixtures if the shielding is not available from the manufacturer;

(c) emergency lighting that is used by law enforcement, firefighters, medical personnel, and other personnel responding to an emergency and that is in operation as long as the emergency exists;

(d) outdoor lighting used for programs, projects, or improvements in a city or town relating to the construction, reconstruction, improvement, or maintenance of a street or highway;

(e) outdoor lighting used for construction or renovation of municipal buildings, structures, and facilities;

(f) navigational and obstruction lighting systems used by airports and aircraft;

(g) any outdoor lighting that is extinguished between 10 p.m. and sunrise by an automatic shutoff device;

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~~(h) light fixtures maintained by any county, city of the third class, or town, and~~

(h) outdoor lighting used on any railroad property, as defined in 69-14-1203;

(i) outdoor lighting for industrial and light industrial use; and

~~(i)~~ (j) a city that by ordinance or resolution has adopted restrictions on lighting equal to or more stringent than the provisions of this section.

(3) Any city of the first or second class shall comply with the provisions of subsection (1) upon replacement of outdoor light fixtures maintained by that city for which they are responsible or fixtures that are used for street lighting within its jurisdiction.

NEW SECTION. Section 3. Codification instruction.

[Sections 1 and 2] are intended to be codified as an integral part of Title 70, chapter 16, and the provisions of Title 70, chapter 16, apply to [sections 1 and 2].

- END -

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